IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICARDO WATKINS, Defendant.	No. CR 99-73-LRR **FINAL JURY INSTRUCTIONS**

Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though some of those I gave you at the beginning of and during trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, all instructions, whenever given and whether in writing or not, must be followed.

INSTRUCTION NUMBER _____

In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NUMBER _____

Neither in these instructions nor in any ruling, action, or remark that I have made during this trial have I intended to give any opinion or suggestion as to what the facts are or what your verdicts should be.

INSTRUCTION NUMBER _____

It is your duty to find from the evidence what the facts are. You will then apply the law, as I give it to you, to those facts. You must follow my instructions on the law, even if you thought the law was different or should be different.

Do not allow sympathy or prejudice to influence you. The law demands of you just verdicts, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

INSTRUCTION NUMBER _____

I have mentioned the word "evidence." The "evidence" in this case consists of the following: the testimony of the witnesses and the documents and other things received as exhibits.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I shall list those things again for you now:

1. Statements, arguments, questions, and comments by the lawyers are not evidence.

2. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by the objection. If I sustained an objection to a question, you must ignore the question and must not try to guess what the answer might have been.

3. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

During the trial, documents were referred to but they were not admitted into evidence and, therefore, they will not be available to you in the jury room during deliberations.

Finally, if you were instructed that some evidence was received for a limited purpose only, you must follow that instruction.

INSTRUCTION NUMBER _____

You have heard a certain category of evidence called "other acts" evidence. Here, that evidence is that the defendant was involved with marijuana during and after the time set forth in the Indictment. You may not use this "other acts" evidence to decide whether the defendant carried out the acts involved in the crime charged in the Indictment. In order to consider "other acts" evidence at all, you must first unanimously find beyond a reasonable doubt, based on the rest of the evidence introduced, that the defendant carried out the acts involved in the crime charged in the Indictment. If you make that finding, then you may consider the "other acts" evidence to decide knowledge, intent and predisposition to distribute controlled substances. "Other acts" evidence must be proven by a preponderance of the evidence, you should give it the weight and value you believe it is entitled to receive. If you find that it is not proven by a preponderance of the evidence, then you shall disregard such evidence.

INSTRUCTION NUMBER _____

There are two types of evidence from which a jury may properly find the truth as to the facts of a case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witness to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NUMBER _____

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to each witness who has testified in this case. In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness said, or only part of it, or none of it.

In deciding what testimony to believe, consider the witness's intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness's memory, any motives that witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the general reasonableness of the testimony, and the extent to which the testimony is consistent with any evidence that you believe.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

INSTRUCTION NUMBER _____

You have heard testimony from Detective Mark Fischer described as an expert. A person who, by knowledge, skill, training, education or experience, has become an expert in some field may state his opinions on matters in that field and may also state the reasons for his opinion.

Expert testimony should be considered just like any other testimony. You may accept or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used, and all the other evidence in the case.

INSTRUCTION NUMBER ____

In the previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be "impeached" and how you are to consider the testimony of certain witnesses.

A witness may be discredited or impeached by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; by showing the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness's present testimony.

You have heard evidence that certain witnesses were once convicted of crimes. You may use that evidence to help you decide whether to believe these witnesses and how much weight to give their testimony.

You have heard evidence that Alvin Davis, Willie Herron, Eric Lawrence, Wallace Maxwell, Dewayne Shears, Robert Watkins and Christopher Winters could receive a reduced sentence in a criminal case in return for their cooperation with the prosecution in this case. Each witness entered into an agreement with the United States Attorney's Office that provided if he/she provides substantial assistance to the government in its investigation of crimes, the prosecutor could file a motion for a reduction of his/her sentence. The judge has no power to reduce a sentence for substantial assistance unless the government, acting through the United States Attorney, files such a motion. If such a motion for reduction of sentence for substantial assistance is filed by the government, then it is up to the judge to decide whether to reduce the sentence at all, and if so, how

(CONTINUED)

much to reduce it. You may give their testimony such weight as you think it deserves. Whether or not their testimony may have been influenced by their hope of receiving a reduced sentence is for you to decide.

INSTRUCTION NUMBER _____

You have heard evidence that Alvin Davis, Willie Herron, Trish Miller, Dewayne Shears, Robert Watkins and Christopher Winters have plead guilty to or been found guilty of a crime which arose out of the same events for which the defendant is on trial here. You must not consider these findings of guilt as any evidence of this defendant's guilt. You may consider the findings of guilt as to these witnesses only for the purpose of determining how much, if at all, to rely upon these witnesses' testimonies.

INSTRUCTION NUMBER ____

You have heard testimony that the defendant made statements to Detective Mark Fischer and Trooper Chad Broyles in this case. It is for you to decide: (1) whether the defendant made the statements and (2) if so, how much weight you should give to them.

In making these two decisions you should consider all of the evidence, including the circumstances under which the statements may have been made.

INSTRUCTION NUMBER ____

Exhibits have been admitted into evidence and are to be considered along with all of the other evidence to assist you in reaching your verdicts. You are not to tamper with the exhibits or their contents, and each exhibit should be returned into open court, along with your verdicts, in the same condition as it was received by you.

INSTRUCTION NUMBER ____

The Indictment in this case charges the defendant with two different offenses.

Under Count 1, the Indictment charges the defendant with conspiracy to distribute and possess with intent to distribute more than 50 grams of a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance.

Under Count 3, the Indictment charges the defendant with selling, distributing or dispensing a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance.

The defendant has pleaded not guilty to each of those charges.

As I told you at the beginning of trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Thus the defendant, even though charged, begins the trial with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crime charged.

Keep in mind that each count charges a separate crime. You must consider each count separately, and return a separate verdict for each count.

There is no burden upon the defendant to prove that he is innocent. Accordingly, the fact that the defendant did not testify must not be considered by you in any way, or even discussed, in arriving at your verdicts.

INSTRUCTION NUMBER ____

Count 1 of the Indictment charges the defendant with conspiring to distribute and possess with intent to distribute 50 grams or more of "crack cocaine." The defendant may be found guilty of this offense under one of the following three alternatives: (1) conspiring to distribute or possess with intent to distribute 50 grams or more of "crack cocaine"; (2) conspiring to distribute or possess with intent to distribute 5 grams or more but less than 50 grams of "crack cocaine"; and (3) conspiring to distribute or possess with intent to distribute less than 5 grams of "crack cocaine."

First Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
50 Grams or More of "Crack Cocaine"

The crime of conspiring to distribute or possess with intent to distribute 50 grams or more of "crack cocaine," has four essential elements, which are:

One, between about 1995 and 1999, two or more persons reached an agreement or came to an understanding to distribute or possess with intent to distribute "crack cocaine";

Two, the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached, or at some later time while it was still in effect;

Three, at the time the defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding; and

Four, the agreement involved 50 grams or more of "crack cocaine."

(CONTINUED)

If you unanimously find the government has proved all of these essential elements beyond a reasonable doubt, then you must find the defendant guilty of the crime charged under Count 1 under this alternative; otherwise you must find the defendant not guilty of this crime charged under Count 1.

Second Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
5 Grams or More but Less Than 50 Grams of "Crack Cocaine"

The crime of conspiring to distribute or possess with intent to distribute 5 grams or more but less than 50 grams of "crack cocaine," the first lesser-included offense of Count 1, has four essential elements, which are:

One, between about 1995 and 1999, two or more persons reached an agreement or came to an understanding to distribute or possess with intent to distribute "crack cocaine";

Two, the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached, or at some later time while it was still in effect;

Three, at the time the defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding; and

Four, the agreement involved 5 grams or more but less than 50 grams of "crack cocaine."

If you unanimously find the government has proved all of these essential elements of this lesser-included offense beyond a reasonable doubt, then you must find the defendant

guilty under this alternative; otherwise you must find the defendant not guilty of the first lesser-included offense of Count 1.

Third Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
Less Than 5 Grams of "Crack Cocaine"

The crime of conspiring to distribute or possess with intent to distribute less than 5 grams of "crack cocaine," the second lesser-included offense of Count 1, has four essential elements, which are:

One, between about 1995 and 1999, two or more persons reached an agreement or came to an understanding to distribute or possess with intent to distribute "crack cocaine";

Two, the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached, or at some later time while it was still in effect;

Three, at the time the defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding; and

Four, the agreement involved less than 5 grams of "crack cocaine."

If you unanimously find the government has proved all of these essential elements of this lesser-included offense beyond a reasonable doubt, then you must find the defendant guilty under this alternative; otherwise you must find the defendant not guilty of the second lesser-included offense of Count 1.

You are advised that the elements of the crimes of distributing or possessing with intent to distribute "crack cocaine" are set out in Instruction Number _____.

INSTRUCTION NUMBER ____

To assist you in determining whether there was an agreement or understanding to distribute "crack cocaine," you are advised that the elements of the crime of distributing a controlled substance are:

(1) Intentional transfer of a controlled substance by a person; and

(2) Who, at the time of the transfer, knew that it was a controlled substance.

To assist you in determining whether there was an agreement or understanding to possess with intent to distribute "crack cocaine," you are advised that the elements of the crime of possession of "crack cocaine" with intent to distribute are as follows:

(1) Possession of a controlled substance by a person;

(2) Who knew that it was a controlled substance; and,

(3) Who intended to distribute some or all of the controlled substance to another person.

Keep in mind that Count 1 of the Indictment charges a *conspiracy* to distribute and possess with intent to distribute "crack cocaine," and not that the distribution was actually committed. Only Count 3 charges the actual distribution of "crack cocaine."

INSTRUCTION NUMBER ____

"Possession" is an element of the offense charged in Count 1. The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole or joint possession.

A person who knowingly has direct physical control over a thing, at a given time is then in actual possession of it.

A person who, although not in actual possession, has both the power and intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

Whenever the word "possession" has been used in these instructions, it includes "actual" as well as "constructive" possession and also "sole" as well as "joint" possession.

INSTRUCTION NUMBER _____

The Indictment charges a conspiracy to commit separate crimes or offenses. It is not necessary for the government to prove a conspiracy to commit both of those offenses. It would be sufficient if the government proves, beyond a reasonable doubt, a conspiracy to commit one of those offenses; but, in that event, in order to return a verdict of guilty, you must unanimously agree upon which of the two offenses was the subject of the conspiracy to distribute or possess "crack cocaine." If you cannot agree in that manner, you must find the defendant not guilty.

INSTRUCTION NUMBER ____

In considering whether the government has met its burden of proving conspiracy, as alleged in Count 1, you are further instructed as follows:

The government must prove that the defendant reached an agreement or understanding with at least one other person. It makes no difference whether that person is another defendant or whether that person is named in the Indictment.

The "agreement or understanding" need not be an express or formal agreement or be in writing or cover all the details of how it is to be carried out. Nor is it necessary that the members have directly stated between themselves the details or purpose of the scheme.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others, or merely associating with others does not prove that a person has joined in an agreement or understanding. A person who has no knowledge of a conspiracy but who happens to act in a way which advances some purpose of one, does not thereby become a member.

But a person may join in an agreement or understanding, as required by this element, without knowing all the details of the agreement or understanding, and without knowing who all the other members are. Further, it is not necessary that a person agree to play any particular part in carrying out the agreement or understanding. A person may become a member of a conspiracy even if that person agrees to play only a minor part in the conspiracy, as long as that person has an understanding of the unlawful nature of the plan and voluntarily and intentionally joins in it.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd)

You must decide, after considering all of the evidence, whether the conspiracy alleged in Count 1 existed. If you find that the alleged conspiracy did exist, you must also decide whether the defendant voluntarily and intentionally joined the conspiracy, either at the time it was first formed or at some later time while it was still in effect. In making that decision, you must consider only evidence of the actions and statements of the defendant. You may not consider actions and pretrial statements of others, except to the extent that pretrial statements of others describe something that had been said or done by the defendant.

In determining whether the alleged conspiracy existed you may consider the actions and statements of all the alleged participants. The agreement may be inferred from all the circumstances and the conduct of the alleged participants. In determining whether the defendant became a member of the conspiracy, you may consider only the acts and statements of the defendant.

If you have found beyond a reasonable doubt that a conspiracy existed and that the defendant was one of its members, then you may consider acts knowingly done and statements knowingly made by the co-conspirators of the defendant during the existence of the conspiracy and in furtherance of it as evidence pertaining to the defendant even though they were done or made in the absence of and without the knowledge of the defendant. This includes acts done or statements made before the defendant joined the conspiracy, for a person who knowingly, voluntarily, and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

INSTRUCTION NUMBER _____

The crime of knowingly and intentionally distributing and aiding and abetting the distribution of "crack cocaine," a Schedule II controlled substance, as charged in Count 3 of the Indictment, has two essential elements, which are:

One, on or about March 18, 1998, the defendant intentionally transferred "crack cocaine" to another person; and

Two, at the time of the transfer, the defendant knew that it was a controlled substance, to wit: "crack cocaine."

If all of these essential elements have been proved beyond a reasonable doubt, then you must find the defendant guilty of distributing "crack cocaine"; otherwise you must find the defendant not guilty of distributing "crack cocaine."

INSTRUCTION NUMBER ____

A person may also be found guilty of distributing a controlled substance as charged in Count 3 even if he personally did not do every act constituting the offense charged, if he aided and abetted the commission of distribution of a controlled substance.

In order to have aided and abetted the commission of a crime a person must:

(1) Have known the crime was being committed or going to be committed; and

(2) Have knowingly acted in some way for the purpose of causing, encouraging or aiding the commission of the crime.

For you to find the defendant guilty of distribution of a controlled substance by reason of aiding and abetting, the government must prove beyond a reasonable doubt that all of the essential elements of distributing a controlled substance were committed by some person or persons and that the defendant aided and abetted the commission of that crime.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has become an aider and abettor. A person who has no knowledge that a crime is being committed or about to be committed, but who happens to act in a way which advances some offense, does not thereby become an aider and abettor.

INSTRUCTION NUMBER _____

You are instructed as a matter of law that "crack cocaine" is a Schedule II controlled substance. You must ascertain whether or not the substances in question as to Counts 1 and 3 were "crack cocaine." In so doing, you may consider all the evidence in the case which may aid in the determination of that issue.

In determining whether the defendant is guilty of the offenses charged under Counts 1 and 3, the government is not required to prove that the amount or quantity of the crack cocaine was as charged in the Indictment. The government need only prove beyond a reasonable doubt that there was some measurable amount of crack cocaine involved.

However, if you find the defendant guilty of the offense charged under Count 1, you will need to determine whether the quantity of crack cocaine involved in the offense was 50 grams or more (the charged offense), 5 grams or more but less than 50 grams (the first lesser-included offense), or less than 5 grams (the second lesser-included offense). The burden of proof is on the government to establish the quantity beyond a reasonable doubt. Your answer to these questions must be unanimous.

For your information, one gram equals 1,000 milligrams, one ounce equals 28.35 grams, one pound equals 453.6 grams and one kilogram equals 1,000 grams.

INSTRUCTION NUMBER ____

The offense charged in Count 1 involves the conspiracy to distribute "crack cocaine" and the offense charged in Count 3 involves the distribution of "crack cocaine." The following definition of the term "distribute" applies in these instructions:

The term "distribute" means to deliver a controlled substance to the possession of another person. The term "deliver" means the actual or attempted transfer of a controlled substance to the possession of another person. No consideration for the delivery need exist, and it is not necessary that money or anything of value change hands. The law is directed at the act of "distribution" of a controlled substance and does not concern itself with any need for a "sale" to occur.

INSTRUCTION NUMBER _____

Intent may be proven by circumstantial evidence. It rarely can be established by other means. While witnesses may see or hear and thus be able to give direct evidence of what a person does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted. But what a defendant does or fails to do may indicate intent or lack of intent to commit an offense.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done, but you are not required to do so. As I have said, it is entirely up to you to decide what facts to find from the evidence.

INSTRUCTION NUMBER _____

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NUMBER ____

The intentional flight of a defendant immediately after the commission of a crime or after he is accused of a crime that has been committed, is not of course sufficient in itself to establish his guilt, but is a fact which, if proved, may be considered by the jury in the light of all other evidence in the case, in determining guilt or innocence. Whether or not evidence of flight shows a consciousness of guilt, and the significance to be attached to any such evidence, are matters exclusively within the province of the jury.

In your consideration of the evidence of flight, you should consider that there may be reasons for this which are fully consistent with innocence. These may include fear of being apprehended, unwillingness to confront the police or reluctance to appear as a witness.

INSTRUCTION NUMBER ____

An act is done "knowingly" if the defendant realized what he was doing and did not act through ignorance, mistake or accident. The government is not required to prove that the defendant knew that his acts or omissions were unlawful. You may consider the evidence of the defendant's acts and words, along with all other evidence, in deciding whether the defendant acted knowingly.

INSTRUCTION NUMBER ____

You will note the Indictment charges that the offenses were committed "between about" or "on or about" certain dates. The government need not prove with certainty the exact date or the exact time period of an offense charged. It is sufficient if the evidence established that an offense occurred within a reasonable time of the date or period of time alleged in the Indictment.

INSTRUCTION NUMBER ____

Throughout the trial, you have been permitted to take notes. Your notes should be used only as memory aids, and you should not give your notes precedence over your independent recollection of the evidence.

In any conflict between your notes, a fellow juror's notes, and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was. At the conclusion of your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NUMBER ____

In conducting your deliberations and returning your verdicts, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment, because a verdict—whether guilty or not guilty—must be unanimous.

Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors.

Do not be afraid to change your opinions if the discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right, or simply to reach a verdict.

Third, if the defendant is found guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the government has proved its case beyond a reasonable doubt.

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or court security officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. Remember that you should not tell anyone—including me—how your votes stand numerically.

Finally, your verdicts must be based solely on the evidence and on the law which I have given to you in my instructions. Each verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdicts should be—that is entirely for you to decide.

INSTRUCTION NUMBER ____

Attached to these instructions you will find four Verdict Forms. The Verdict Forms are simply the written notices of the decisions that you reach in this case. The answer to each Verdict Form must be the unanimous decision of the jury.

You will take these Verdict Forms to the jury room, and when you have completed your deliberations and each of you has agreed on an answer to each Verdict Form, your foreperson will fill out each Form, sign and date it, and advise the marshal or court security officer that you are ready to return to the courtroom.

Finally, members of the jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return such verdicts as accord with the evidence and these instructions.

_____ _____

DATE

LINDA R. READE
JUDGE, U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICARDO WATKINS, Defendant.	No. CR 99-73-LRR **VERDICT FORM - COUNT 1**

_____

First Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
50 Grams or More of "Crack Cocaine"

We, the Jury, find the defendant, Ricardo Watkins, _____ of
Not Guilty/Guilty
the crime of conspiracy to distribute or possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance, between about 1995 and 1999, as charged in Count 1 of the Indictment.

_____
FOREPERSON

_____
DATE

(CONTINUED)

Note: If you unanimously find the defendant guilty of the above crime, have your foreperson write "guilty" in the above blank space, and sign and date this Verdict Form. You must then consider whether the defendant is guilty of Count 3.

If you unanimously find the defendant not guilty of the above charge, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. You must then consider whether the defendant is guilty of the first lesser-included offense of Count 1 on the following Verdict Form.

If you are unable to reach a unanimous decision on the above charge, leave the space blank and decide whether the defendant is guilty of the first lesser-included offense of Count 1 on the following Verdict Form.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICARDO WATKINS, Defendant.	No. CR 99-73-LRR VERDICT FORM - COUNT 1

Second Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
5 Grams or More but Less Than 50 Grams of "Crack Cocaine"

We, the Jury, find the defendant, Ricardo Watkins, _____ of
Not Guilty/Guilty
the crime of conspiring to distribute or possess with intent to distribute 5 grams or more but less than 50 grams of a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance, between about 1995 and 1999, the first lesser-included offense of Count 1.

_____
FOREPERSON

_____
DATE

(CONTINUED)

Note: If you unanimously find the defendant guilty of the above crime, have your foreperson write "guilty" in the above blank space, and sign and date this Verdict Form. You must then consider whether the defendant is guilty of Count 3.

If you unanimously find the defendant not guilty of the above charge, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. You must then consider whether the defendant is guilty of the second lesser-included offense of Count 1 on the following Verdict Form.

If you are unable to reach a unanimous decision on the above charge, leave the space blank and decide whether the defendant is guilty of the first lesser-included offense of Count 1 on the following Verdict Form.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICARDO WATKINS, Defendant.	No. CR 99-73-LRR **VERDICT FORM - COUNT 1**

Third Alternative:
Conspiring to Distribute or Possess with Intent to Distribute
Less Than 5 Grams of "Crack Cocaine"

We, the Jury, find the defendant, Ricardo Watkins, _____ of
Not Guilty/Guilty
the crime of conspiring to distribute or possess with intent to distribute less than 5 grams of a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance, between about 1995 and 1999, the second lesser-included offense of Count 1.

_____
FOREPERSON

_____
DATE

Note: If you unanimously find the defendant guilty of the above crime, have your foreperson write "guilty" in the above blank space, and sign and date this Verdict Form. If you unanimously find the defendant not guilty of the above charge, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. RICARDO WATKINS, Defendant.	No. CR 99-73-LRR **VERDICT FORM - COUNT 3**

We, the Jury, find the defendant, Ricardo Watkins, _____ of the
Not Guilty / Guilty
crime of distributing and aiding and abetting the distribution of less than 5 grams, that is approximately 0.41 grams, of a mixture or substance containing a detectable amount of cocaine base (commonly called "crack cocaine"), a Schedule II controlled substance, on or about March 18, 1998, as charged in Count 3 of the Indictment.

_____
FOREPERSON

_____
DATE

Note: If you unanimously find the defendant guilty of the above crime, have your foreperson write "guilty" in the above blank space, and sign and date this Verdict Form. If you unanimously find the defendant not guilty of the above charge, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form.